



City Council Agenda

Council President
Henry T. Perea

Councilmembers

Brian Calhoun, Ph.D.
Mike Dages
Jerry Duncan

Cynthia Sterling
Larry Westerlund
Blong Xiong – Acting President

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to this meeting.

September 25, 2007

8:30 A.M. ROLL CALL

Invocation

Pledge of Allegiance to the Flag

Ceremonial Presentation:

Welcome to the Romanian Orphan Choir - Councilmember Duncan

The agenda is available on (www.fresno.gov). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m. **PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of September 18, 2007

Action Taken: **Approved**

Councilmember Reports and Comments

Action Taken: **Made**

Approve Agenda

Action Taken: **Approved as amended**

Adopt Consent Calendar

Action Taken: **Adopted**

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 10:30 A.M.

- A. * **RESOLUTION** - 19th amendment to AAR No. 2007-214 appropriating \$735,400 for the final payment to Calcot under the 1997 Development Agreement (*Requires 5 affirmative votes*) – Public Works Dept.

Action Taken: **Resolution No. 2007-310 adopted**

- B. **RESOLUTION** - Of intention to annex Final Tract No. 5511 as Annexation No. 22 to City of Fresno Community Facilities District No. 11, and to authorize the levy of special taxes, and setting the public hearing for October 16, 2007 at 10:00 a.m. (*Property located in District 5*) – Public Works Dept.

Action Taken: **Resolution No. 2007-311 adopted**

- C. * Award a contract for construction to American Paving Company of Fresno for the Fresno Yosemite International Airport Taxiway Connector 7 Project in the amount of \$121,196 – Airports Dept.

Action Taken: **Awarded**

- D. * Award a contract for construction to Cruco Construction Group of Fresno for the Fresno Yosemite International Airport Runway 11I-29r threshold remarking & rubber removal in the amount of \$135,470 – Airports Dept.

Action Taken: **Awarded**

- E. * Lease office/shop space from Russell G. Smith, Inc., property located at 2665 N. Air Fresno Drive, Suite #107 Fresno, CA, for two years, with an option to extend for a third year at a cost of \$33,420 – Airports Department

Action Taken: **Approved**

- F. * Award a contract to Fryer Roofing Co., Inc. Fresno, California to re-roof Selland Arena – General Services Dept./Facilities Management

Action Taken: **Awarded**

- G. Adopt the proposed spending plan for Fiscal Year 07-08 State of California Supplemental Law Enforcement Services Funds (SLESF) – Police Department

Action Taken: **Adopted**

1. * **RESOLUTION** - 20th amendment to AAR No. 2007-214 appropriating \$925,000 from the State of California Supplemental Law Enforcement Services funds for equipment and operations needs (*Requires 5 affirmative votes*)

Action Taken: **Resolution No. 2007-312 adopted**

1. **CONSENT CALENDAR CONTINUED**

- H. **RESOLUTION** - Approving the Final Map of Tract No. 5606 and accepting dedicated public uses therein; authorize the Public Works Director to execute the necessary documents – Planning and Development Dept.
Action Taken: Resolution No. 2007-313 adopted
- I. Item removed from the agenda
- J. * Adopt the Side Letter Agreement between the City of Fresno (City) and the International Association of Firefighters, Non-Management Fire, Local 753 (IAFF)
Action Taken: Laid over one week
- K. * Award a requirements contract to BMW of Fresno BMW police motorcycles in the amount of \$925,101.88 – General Services Dept./Fleet Management
Action Taken: Awarded
- L. Approve appointment of Adrian Jones to the Housing Authority Board of Commissioners – Mayor's Office
Action Taken: Approved
- M. **RESOLUTION** – To complete the certification and claim process in order to allow the City of Fresno to receive its share of Measure C Extension Funds – Finance Department/Budget Division
Action Taken: Resolution No. 2007-314 adopted
- N. * **RESOLUTION** - 26th amendment to AAR No. 2007-214 to appropriate \$270,000 for final settlement costs related to landfill closure agreement (**Requires 5 affirmative votes**) - Dept. of Public Utilities
Action Taken: Resolution No. 2007-315 adopted
- O. * Award contract to Brenntag Pacific in the amount of \$125,358.98 for requirements contract for ortho poly phosphate blend – Dept. of Public Utilities
Action Taken: Awarded
- P. * **BILL NO. B-75 (Intro. 9/18/2007) (For adoption)** – Adopting TA-07-01 and environmental findings as recommended by the Planning Commission amending the text of the Fresno Municipal Code Zoning Ordinance related to residential density bonus pursuant to State Law – Planning and Development Dept.
Action Taken: Ordinance No. 2007-75 adopted with minor modifications to page 18

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. **SCHEDULED COMMUNICATION –**

9:00 A.M. B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda

9:15 A.M. **CITY COUNCIL**

A. Request status report on Running Horse - Councilmember Sterling
Action Taken: Oral report given

B. Direct staff to establish Methicillin-Resistant-Staphylococcus (MRSA) infections as a presumptive work-related injury for public safety personnel in the City of Fresno's Workers Compensation Insurance – Councilmember Duncan
Action Taken: Approved

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:30 A.M.

GENERAL ADMINISTRATION

- A. **RESOLUTION** – Approving the City of Fresno Investment Policy for fiscal year 2007-2008 – Finance Department
Action Taken: Resolution No. 2007-316 adopted
- B. **RESOLUTION** - Authorizing the submission of applications for and acceptance of the Council of Fresno County Governments 2008 “One Voice” call for projects and authorizing the execution of documents – Public Works Dept.
Action Taken: Resolution No. 2007-317 adopted
- C. Approve First Amendment Agreement to the Memorandum of Understanding (MOU) between SMG and the Convention Center and Visitors Bureau (FCVB) for changes to organizational structure and improvements in service – City Manager’s Office
Action Taken: Removed from the agenda
- D. Reject all proposals for the provisions of demand responsive paratransit services (Handy Ride) and proceed with a new RFP – Department of Transportation (FAX)
Action Taken: Staff recommendation approved with negotiations to focus on filling labor agreement cost gap

10:00 A.M.

HEARING to consider formation of UUD No. FRE-84 (Blackstone Avenue between Shields and Belmont Avenues) (*Property located in Districts 1, 3 & 7*) – Public Works Dept.

Action Taken: Held

- a. **RESOLUTION** - Establishing Underground Utility District No. FRE-84

Action Taken: Resolution No. 2007-318 adopted

10:15 A.M.

HEARING to consider Community Facilities District No. 11 (Final Tract No. 5512) Annexation No. 19 (*Property located in District 1*) – Public Works Dept.

Action Taken: Held

- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 11, Annexation No. 19 and authorizing the levy of taxes

Action Taken: Resolution No. 2007-319 adopted

- b. **RESOLUTION** - Calling special mailed-ballot election

Action Taken: Resolution No. 2007-320 adopted

- c. **RESOLUTION** - Declaring election results

Action Taken: Resolution No. 2007-321 adopted

- d. * **BILL** – Levying a special tax for the property tax year 2007-2008 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 19

Action Taken: Bill No. B-77/Ordinance No. 2007-74 adopted

10:20 A.M.

Approve a Right of Entry Agreement to the Fresno Nuclear Energy Group (FNEG) to conduct feasibility studies at the Wastewater Treatment Facility (WWTF) to determine suitability for various industrial uses related to nuclear power generation – City Manager’s Office

Action Taken: Approved

10:30 A.M.

CONTESTED CONSENT ITEMS (IF ANY)

2:00 P.M.

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** Government Code Section 54956.9, subdivision (a)

1. **Case Name:** City of Fresno v. Pasquale DeSantis, et al.

Action Taken: Held

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:00 P.M.

CLOSED SESSION CONTINUED

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8 (Councilmember Sterling)

Property:

1. State of California, 2855 W. Whites Bridge, Assessor's No. 464-020-01T
2. Comp. Alcohol Program, 2445 W. Whites Bridge, Assessor's No. 464-020-22
3. Fresno Irrigation District, Assessor's Nos. 464-060-02T, 464-060-07T
4. Haig Atamian, 2343 W. Kearney, Assessor's No. 464-060-04
5. Anthony Mello, 2820 W. California, Assessor's No. 464-060-09
6. Ray Scott, 2105 W. California, Assessor's No. 477-021-10
7. Henh Ho, 2394 S. Hughes, Assessor's No. 477-021-14
8. Shigeo Hayashi, 1348 S. Marks, Assessor's No. 477-021-21

Negotiating Parties: Andrew T. Souza

Under Negotiation: Purchase of Subject Property

Action Taken: Held

2:30 P.M.

MEETING OF THE REDEVELOPMENT AGENCY

Approve Agency minutes of September 18, 2007

Action Taken: Approved

A. Consider the First Amendment to Exclusive Negotiation Agreement with Fresno Historic Chinatown, LLC, a California limited liability company, for the Historic Chinatown Project Area located within the Chinatown expanded and redevelopment project area **(Agency action)**

Action Taken: Approved

B. Recommendation to the Redevelopment Agency Board to award the contract to Lee Crippen Excavation for the demolition and clearance of eleven (11) homes at various locations on Atchison, Lorena, and Geary Avenues in Southwest Fresno G.N.R.A. Redevelopment Project Area for the Hope VI Project **(Agency action)**

Action Taken: Awarded

ADJOURN AGENCY

3:00 P.M.

WORKSHOP on Contract Compliance Program – City Attorney's Office – **Laid over one week**

SCHEDULED COUNCIL HEARINGS AND MATTERS

Oct. 9- **NO MEETING – COLUMBUS DAY**

Oct. 16- **10:00 A.M.** **HEARING** re: CFD No. 11, Annexation No. 22, Tract No. 5511 – Public Works Dept.
Oct. 16- **10:15 A.M.** **CONTINUED HEARING** to consider Conditional Use Permit Application No. C-06-229, filed by Omnipoint Communications, Inc.

Oct. 16 - **10:30 A.M.** **CONTINUED HEARING** to consider adoption of EA-07-31, filed by the Dept. of Public Utilities – Department of Public Utilities

Oct. 23- **10:00 A.M.** Ballot results for change of tax rate for CFD No. 2, Annexations Nos. 81 and 82
Oct. 23- **10:15 A.M.** Discussion and direction regarding the Strategic Plan/SOC Document – Fire Department

Nov. 13- **NO MEETING – VETERAN'S DAY**
Nov. 20 - **NO MEETING – THANKSGIVING WEEK**

Dec. 18- **10:00 A.M.** Presentation by Council of Governments (COG) regarding the Blueprint Outreach
Dec. 18- **10:10 A.M.** Metro Loop Presentation (30 minutes)

September 25, 2007

***SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

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AND MAY BE AMENDED AT ANYTIME

Dec. 25 - NO MEETING – CHRISTMAS WEEK